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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,545	11/28/2001	James C. Liu	16159.031001;P5754	9319

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OSHA LIANG L.L.P./SUN
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT	PAPER NUMBER
3691	

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05/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 09/995,545	Applicant(s) LIU ET AL.	
Examiner Bijendra K. Shrestha	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 24-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 24-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/28/2001.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. Claims 1-23 are presented for examination. Applicant filed an amendment on 02/27/2007 canceling all claims 1-23 and adding new claims 24-46. Upon careful consideration of Applicant's amendment and arguments, the Examiner rejects the new claims 24-46 using same references that were used in the previous non-final rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sipman et al., U.S. Patent No. 6,889,325 (reference A in attached PTO-892) in view of Pearson et al., U.S. Pub No. 2002/0023032 (reference B in attached PTO-892).

4. As per claim 24, 37 and 40, Sipman et al. teach approving a transaction, comprising:

receiving a request to approve the transaction from a first device (see Fig. 9; Column 10, lines 66-67 to column 11, lines 1-5; where customer negotiate purchase in an Internet environment and transmits invoice to the transaction server for its verification and approval);

Art Unit: 3691

sending a response to the request to approve the transaction to the first device based on the response to the user authorization request (see Fig. 9; column 11, lines 44-58); and

Sipman et al. do not teach sending a user authorization request based on the request to approve the transaction to a second device associated with an authorized individual and receiving a response to the user authorization request from the authorized individual.

Pearson et al. teach sending a user authorization request based on the request to approve the transaction to a second device associated with an authorized individual and receiving a response to the user authorization request from the authorized individual (see page 1, paragraph [0005], [0014]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time of the invention was allow sending a user authorization request based on the request to approve the transaction to a second device associated with an authorized individual and receiving a response to the user authorization request from the authorized individual of Sipman et al. because Pearson et al. teach sending a user authorization request based on the request to approve the transaction to a second device associated with an authorized individual and receiving a response to the user authorization request from the authorized individual would prevent various types of software attacks on the system and additionally there is a danger that the merchant may cheat the customer out of money by putting through too much money or putting through transaction twice (Pearson et al., page 1, paragraph [0002]).

Art Unit: 3691

5. As per claims 25-31 and 41, Sipman et al. teach that the authorized individual initiates and regulates the financial transaction (see column 13, lines 11-19); approval request for transaction is received by a clearance agency (see column 13, lines 19-24); the first device is at least one selected from a group consisting of an automatic teller machine, a credit card reader, a debit card reader, and a smart card reader (see column 13, lines 29-52); the transaction meets an amount criterion (see column 13, lines 31-37); the first device is associated with a transaction site and the transaction site is outside a geographical region (see column 13, lines 13-14; where Internet purchase is outside geographic region).

6. As per claims 32, Sipman et al. teach a method comprising:
determining the second device based on a pre-defined method before sending the user authorization request (see column 6, lines 30-36).

7. As per claims 33 and 42, Sipman teach that the second device is at least one selected from a group consisting of a telephone, a wireless phone, a personal digital assistant, a pager, an internet appliance, and a computer (column 6, lines 44-46; where user device include workstation at office, cybercafe, and a Personal Digital Assistant (PDA) with mobile phone function attached).

8. As per claims 34, 38, 44, and 45, Sipman et al. do not teach method/system wherein the response to the user authorization request is received from the authorized party using the second device.

Pearson et al. teach wherein the response to the user authorization request is received from the authorized party using the second device (paragraph [0014]).

Art Unit: 3691

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time of the invention was allow the response to the user authorization request is received from the authorized party using the second device of Sipman et al. because Pearson et al. teach the response to the user authorization request is received from the authorized party using the second device would prevent various types of software attacks on the system and additionally there is a danger that the merchant may cheat the customer out of money by putting through too much money or putting through transaction twice (Pearson et al., page 1, paragraph [0002]).

9. As per claim 35, 39, and 43, Sipman et al. do not teach system/method wherein the response to the user authorization request is received from the authorized party using a third device.

Pearson et al. teach system/method wherein the response to the user authorization request is received from the authorized party using a third device (see paragraph [0014]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time of the invention was allow the response to the user authorization request is received from the authorized party using a third device of Sipman et al. because Pearson et al. the response to the user authorization request is received from the authorized party using a third device would prevent various types of software attacks on the system and additionally there is a danger that the merchant may cheat the customer out of money by putting through too much money or putting through transaction twice (Pearson et al., page 1, paragraph [0002]).

10. As per claims 36 and 46, Sipman et al. teach that the response to the user authorization request comprises at least one response selected from a group consisting of an approval response, a denial response, a default response, and a fraud response (see Fig 4; Fig. 8; where authentication request from first and second party sent to transaction server; approval, denial and fraud response from transaction server depends upon matching of profile saved in the server to that sent by the corresponding parties requesting authentication).

Response to Arguments

11. Applicant's arguments filed on 02/27/2007 have been fully considered but they are not persuasive. Applicant argues that Sipman et al. fails to teach or suggest sequences of request and responses to approve transaction as cited by new claims 24, 39 and 47. It is to be noted that there is a typo error in citing claim number by the applicant in this respect. As per new claims recited by the applicant, independent claims are 24, 40 and 46 but claim 47 does not exist. Appropriate correction required. The Examiner, therefore, interprets that the applicant referring to claims 24, 40 and 46.

Siman et al. teach sample transaction flow with sequence of requests and responses (see Fig. 9; column 10, lines 26-67 to column 11, lines 1-58). Sipman et al. do not teach the step where transaction server request approval for payment from user, which should occur after step (e) authorization request in Fig. 9.

Pearson et al. teach providing user authorization data to transactional terminal via security device to allow authorization of transaction (see paragraph [0005]).

Art Unit: 3691

Pearson et al. teach that requirement of user authorization prevents various types of software attacks and possibility of merchant cheating the customer out of money by putting through too much money or putting through transaction twice (see paragraph [0002]).

Examiner argues that the sequences and responses for transaction can be established by combining or modifying the teaching of Sipman et al. with the Pearson et al. to produce the claimed invention where motivation to combine these two reference is to avoid fraud in financial transaction. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.). Examiner, therefore, concludes Sipman et al. in view of Pearson et al. teach the sequences and responses to approve transaction, as recited by independent claims 24, 40 and 46. Claims 24, 40 and 46 are rejected in this effect.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 3691

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Feisher, David P. (U.S. Pub. No. 2002/0010679) teach information record infrastructure, system and method.

Fisher et al. (U.S. Pub No. 2003/0126094) teach Persistent dynamic payment method.

Gidron et al. (U.S. Pub No. 2002/0142760) teach system and method for aggregation of user applications for limited-resource devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 7:00 AM-4:30 PM (Monday-Friday); 2nd Friday OFF.

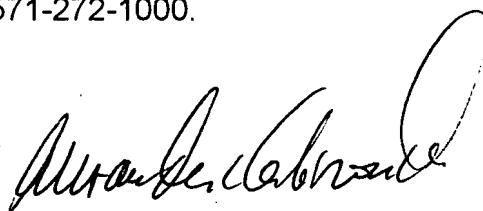
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone

Art Unit: 3691

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BKS



**ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER**